

Date of Decision : 7th February, 1996

Special Civil Application No.10514 of 1995

For Approval and Signature

The Honourable Mr. Justice C.K. Thakkar

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.R.C. Jani, Advocate, for the Petitioner.

Mr.R.A. Mishra, Advocate, for respondent No.1.

Mr.Gharania, Assistant Government Pleader, for respondent No.2.

Coram : C.K. THAKKAR, J.  
( 7th February, 1996 )

Oral Judgment :-

Rule. Mr.R.A. Mishra and Mr.Gharania, appear and waive service of rule on behalf of respondent Nos. 1 and 2 respectively. In the facts and circumstances of the case, the matter is taken up for final hearing today.

This petition is filed by the petitioner for issuing a writ of mandamus, directing the respondent-authorities to reconsider the case of the petitioner for getting an appointment on compassionate ground in Education Branch of the Junagadh District-Panchayat, respondent No.1 herein.

It is the case of the petitioner that she is the daughter of one Champagouri Chhotalal Dave. The mother of the petitioner, i.e. Champagouri Chhotalal Dave, was serving as an Assistant Teacher in Girls' High School at Una. She died in November 23, 1982. Since the petitioner wanted an appointment on compassionate ground, necessary application was made on the death of the mother of the petitioner on January 6, 1983, to be appointed on compassionate ground. It is her case that the application was kept pending for an unreasonably long period and thereafter, the said application was rejected on the ground that the petitioner's father was getting a monthly pension of Rs.1,141/- and family pension of Rs.640/- and since the total income of the family exceeded the prescribed limit, she was not entitled to get an appointment on compassionate ground. It is the further case of the petitioner that thereafter, the father of the petitioner also died on March 1, 1991 and hence, there was no question of getting any amount by way of pension so far as the father was concerned. Hence, once again, an application was made by the petitioner to get an appointment on compassionate ground on March 14, 1991, which is annexed to the petition at Exhibit 'B'. In paragraph 3 of the petition, it was specifically stated as under :-

"... The petitioner has not received any reply to this request...."

Thus, according to the petitioner, even though the petitioner has made an application, no final decision has been taken with regard to the said application. It is also her case that now there is no question of getting pensionary benefits. So far as the mother is concerned, she died in 1982, whereas the father died in 1991. In these circumstances, in my opinion, the authorities must be directed to dispose of the application made by the petitioner.

For the foregoing reasons, the petition is partly allowed. It is directed that if the application of the petitioner dated March 14, 1991 is not disposed of, the respondent-authorites are directed to dispose of the same. Since the question in the present petition relates to an appointment on compassionate ground, the authorities are directed to dispose of the application as expeditiously as possible, preferably within three months from the date of receipt of the writ. Rule is made absolute to the above extent. No order as to costs.

Direct service is permitted.

\*\*\*\*\*

(apj)